

Message Text

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C O N F I D E N T I A L KATHMANDU 0166

E.O. 11652: GDS

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SUBJECT: AMNESTY INTERNATIONAL REPORT 1977

1. THE NEPAL SECTION OF THE AMNESTY INTERNATIONAL REPORT 1977 IS CONSIDERABLY DATED AND DOES NOT REFLECT IMPORTANT DEVELOPMENTS IN THE HUMAN RIGHTS AREA WHICH TOOK PLACE IN THE LATTER HALF OF THE YEAR. AS A RESULT, THE REPORT TENDS TO CONVEY ERRONEOUS IMPRESSIONS, ESPECIALLY IN ITS REFERENCE TO "AN INCREASING NUMBER OF POLITICAL PRISONERS" AND IN ITS SURPRISING FAILURE TO NOTE B.P. KOIRALA'S TEMPORARY RELEASE FROM DETENTION IN JUNE 1977 TO ENABLE HIM TO UNDERGO MEDICAL TREATMENT IN THE U.S. THE LATTER OMISSION IS PARTICULARLY CURIOUS ESPECIALLY AS A LESS SIGNIFICANT EVENT OF LATER DATE (THE RELEASE OF FORMER FOREIGN MINISTER RISHIKESH SHAHA FROM IMPRISONMENT IN AUGUST) IS MENTIONED. THE RATHER SKEWED PICTURE THAT EMERGES MAY BE ACCOUNTED FOR PARTLY BY THE FACT THE COUNTRY REPORT SEEMS TO FOCUS ON AMNESTY INTERNATIONAL ACTIVITIES IN NEPAL AT THE EXPENSE OF PROVIDING A MORE GENERAL
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AND WELL-ROUNDED ASSESSMENT OF THE STATE OF HUMAN RIGHTS IN THE COUNTRY.

2. APART FROM THE TEMPORARY RELEASE OF KOIRALA IN JUNE AND HIS RE-IMPRISONMENT ON CRIMINAL CHARGES UPON HIS RETURN TO NEPAL FROM THE U.S. IN NOVEMBER, TWO OTHER MAJOR DEVELOPMENTS HAVING IMPORTANT BEARING ON THE

HUMAN RIGHTS SITUATION IN NEPAL ARE UNREPORTED. IN SEPTEMBER AND OCTOBER ALMOST 40 PERSONS BEING HELD WITHOUT CHARGE UNDER THE PUBLIC SECURITY ACT WERE RELEASED. THE NEW PRIME MINISTER, KIRTI NIDHI BISTA, SAID THAT POLITICAL DISSIDENTS BEING HELD WITHOUT CHARGES WERE "FOR THE MOST PART" BEING RELEASED AND THAT HENCEFORTH ONLY PERSONS CHARGED WITH SPECIFIC CRIMINAL OFFENSES WOULD BE KEPT IN JAIL. ACCORDING TO OUR INFORMATION, A SMALL NUMBER OF PERSONS HAVE CONTINUED TO BE DETAINED OR ARRESTED UNDER THE PUBLIC SECURITY ACT FOR VARYING AMOUNTS OF TIME, WHILE RELEASES ALSO OCCUR FROM TIME TO TIME. OUR BEST ESTIMATE IS THAT, AT THE MOMENT, A MAXIMUM OF 12 PERSONS (AND PROBABLY LESS) ARE DETAINED UNDER THE PUBLIC SECURITY ACT. AT THE SAME TIME THERE ARE PROBABLY BETWEEN 100 AND 200 PERSONS BEING HELD ON CHARGES UNDER OTHER STATUTES (PRINCIPALLY THE TREASON ACT AND THE STATE OFFENSES ACT) FOR ACTIONS WHICH WERE POLITICALLY-INSPIRED, AND WHO MIGHT BE CONSIDERED AS "POLITICAL PRISONERS", THOUGH THE GOVERNMENT OF NEPAL DOES NOT REGARD THEM AS SUCH.

3. THE OTHER SIGNIFICANT DEVELOPMENT OF 1977 NOT COVERED IN THE AMNESTY INTERNATIONAL REPORT WAS THE LIFTING OF RESTRICTIONS IN OCTOBER ON PREVIOUSLY-BANNED NEWSPAPERS AND JOURNALS.
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4. WHILE WE HAVE OF COURSE FULLY REPORTED ON THE ABOVE DEVELOPMENTS AND BELIEVE THAT, ON THE BASIS OF RECENT COMMUNICATIONS (77 KATHMANDU 5621, 77 STATE 307553, KATHMANDU 0058, STATE 002359 AND KATHMANDU 0096), THE DEPARTMENT'S COUNTRY EVALUATIONS FOR NEPAL ADEQUATELY REFLECT THEM, WE CONSIDERED IT WORTHWHILE, GIVEN THE PRESTIGE AND INFLUENCE OF AMNESTY INTERNATIONAL IN THE HUMAN RIGHTS FIELD, TO CALL ATTENTION TO THESE SHORTCOMINGS IN ITS 1977 REPORT ON NEPAL.
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